

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

<b>IN THE MATTER OF THE PETITION OF GREAT PLAINS ETHANOL, LLC FOR APPROVAL OF SOUTHEASTERN ELECTRIC COOPERATIVE, INC. TO PROVIDE ITS ELECTRIC SERVICE</b>	) ) ) ) ) )	<b>ORDER FOR AND NOTICE OF HEARING  EL02-009</b>
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On May 29, 2002, the South Dakota Public Utilities Commission (Commission) received a petition from Great Plains Ethanol, LLC (Great Plains) for approval of Southeastern Electric Cooperative, Inc. (Southeastern) to provide its electric service. According to the petition, Great Plains will cause to be constructed and will operate an ethanol plant at a site approximately one mile east of Chancellor, South Dakota (Plant). It is expected the Plant will require electrical service with a demand substantially more than 2000 kilowatts. The Plant is proposed to be located in the existing service territory of Xcel Energy. Based on SDCL 49-34A-56, Great Plains is petitioning the Commission to assign Southeastern Electric Cooperative, Inc. as the supplier of electric service to the Plant.

On May 30, 2002, the Commission electronically transmitted notice of the filing and the intervention deadline of June 21, 2002, to interested individuals and entities. On June 19, 2002, the Commission received a Petition to Intervene from Xcel Energy (Xcel). At a regularly scheduled meeting of July 24, 2002, the Commission granted intervention to Xcel. On September 3, 2002, the Commission received a Motion to Withdraw Intervention from Xcel.

The Commission has jurisdiction over this matter pursuant to SDCL 49-34A-42, 49-34A-56, 49-34A-58 and 49-34A-59.

A hearing shall be held on September 24, 2002, beginning at 11:00 A.M., in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. All persons testifying will be subject to cross-examination by the parties.

The issue at the hearing is whether Great Plains may receive the electric service for the Plant from Southeastern, even though the Plant is located within the assigned service territory of Xcel. In making its determination the Commission will consider the following factors set forth in SDCL 49-34A-56:

- (1) The electric service requirements of the load to be served;
- (2) The availability of an adequate power supply;
- (3) The development or improvement of the electric system of the utility seeking to provide the electric service, including the economic factors relating thereto;
- (4) The proximity of adequate facilities from which electric service of the type required may be delivered;
- (5) The preference of the customer;

- (6) Any and all pertinent factors affecting the ability of the utility to furnish adequate electric service to fulfill customers' requirements.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission shall determine whether Great Plains can take its electric service for the Plant from Southeastern. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that a hearing shall be held at the time and place specified above on the issue of whether Great Plains may receive the electric service for the Plant from Southeastern.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 12th day of September, 2002.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: \_\_\_\_\_

Date: \_\_\_\_\_

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

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JAMES A. BURG, Chairman

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PAM NELSON, Commissioner

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ROBERT K. SAHR, Commissioner